

On post

Invalidated Unofficial translation

The Law of the Republic of Kazakhstan, dated 8 February, 2003 No 386.

U n o f f i c i a l t r a n s l a t i o n

Footnote. The Law of the Republic of Kazakhstan dated 09.04.2016 No. 498-V (shall be enforced upon the expiry of ten calendar days after the day of its first official publication) expired.

This Law regulates the social relations in the scope of postal activity, defines the rights and obligations of the subjects of postal activity, the competence of state bodies in the field of postal services.

Article 1. Basic definitions, used in this Law

The following basic definitions shall be used in this Law:

1) a post office box - a special locker for receiving some separate types of postal items, installed at the industrial facilities of the mail operator used by the addressees according to the procedure, established by the authorized body;

2) a service post-office box- a special locker with drawers installed in houses, as well as on delivery sections in rural areas for receiving postal items by the addressees;

3)an addressee - the user of services of mail operator, that is addressed a postal item or a postal money transfer;

4) service of postal item - a delivery of postal item individually to addressee or his legal representative, or attorney, acting under a letter of attorney;

5) state emblems of postage- stamps, blocks, stamped envelopes, postcards, prints of franking machines and other characters, that are put into practice by the authorized body, that confirm remuneration of mail operator;

6) delivery of a postal item –transferring of postal item from destination of industrial facilities to post office box or a service post-office box, or to another address, specified by the sender;

7) nominal object – a device for applying to documents and postal item prints with specification of the name of post operator, its industrial facility, as well as other information defined by the post operator;

8) international postal item – a simple or registered postal item, adopted for sending outside of the Republic of Kazakhstan, or entering the Republic of Kazakhstan, or following from one foreign country to another by transit through the territory of the Republic of Kazakhstan;

9) international reply coupon - a document introduced into approach by the Universal Postal Union, exchangeable in any member country of the Universal Postal Union to postage stamps representing the minimum fee of a simple international letter, weighing up to 20 grams, forwarded by air transport;

9-1) the place of international postal exchange - industrial facility of mail operator, that is carried out the process of incoming and outgoing international postal items, as well as carried out by customs authorities of customs control of specified departures;

10) a national postal network – a postal service of public use acting on the whole territory of the Republic of Kazakhstan, through which, services shall be offered on the basis of a public contract;

11) A national mail operator - a created joint-stock society by the decision of the Government, a sole shareholder of which is the national managing holding, which shall assign the obligations to provide public postal services, special postal services, financial activities and financial services;

12) preservation of public contributions - a guarantee of return of a contribution in nominal terms, taking into account the repayment, installed by the terms of the contract concluded between the user and the National mail operator;

13) mailing – industrial operations with postal items, providing their preparation for sending;

14) mail operator – an individual or a legal entity, entitled to delivery of services in the scope of postal activities;

15) an operational window - the workplace at the industrial facility of mail operator that provide one or more types of postal services to the user;

16) transaction day - duty hours, during which the mail operator provides postal services;

17) sender - the user of mail operator services, that gives a postal item or a postal money transfer for their sending to a mail operator;

18) transportation of postal item – transferring of postal item from point of departure to industrial facilities of mail operator destination for delivery and (or) serving to the addressee;

19) sending of postal item - a set of operations for receiving, processing, transportation and (or) transfer, delivery and (or) serving of a postal item;

20) a written correspondence - letters, postcards, parcels and small packages;

21) a letter – a postal item, sending in the form of an envelope with written investments;

22) a service-user of mail operator (later on - the user) – an individual or a legal entity that is a consumer of services provided by the mail operator, as well as under authority of contracts, concluded with a mail operator;

23) the post— a part of infrastructure that provides postal complex, financial and other services and carrying out financial activities on the territory of the Republic of Kazakhstan;

24) a postal activity – a delivery of postal services through postal networks;

25) a postcard – a simple or registered postal item with a written message on a special standard form;

26) a postal network – a set of industrial facilities and postal routes, used in the providing services of mail operator;

27) a postal system – a set of postal networks and mail operators providing a postal service;

28) a postal saving system – a postal system, on base of the National mail operator carries out a financial activity and provides a postal, financial and other services in accordance with the legislation of the Republic of Kazakhstan;

29) postal items –a written correspondence, parcels, postal containers, as well as printings in an appropriate packaging;

30) a postal address – (hereinafter - address) - the place, defined by user of services of mail operator, for delivery and (or) serving of postal items and postal money transfers;

31) a postcode – a conventional figure of an address, assigned to industrial facilities of mail operators, allowing them to identify administrative-territorially and systematize in order to accelerate the sending of a postal item or a postal money transfer;

32) a postal money transfer – the service of sending money using postal network and other services with the filling of forms of established sample, accepted by the authorised body;

33) a postal stamp – the device for applying for documents and postal item prints with designation: designation of industrial facilities, carried out a reception of a postal item in destination, the date and time of reception, as well as designation of industrial facility, delivered and (or) served the postal item to the addressee, date and time of delivery and (or) serving;

34) a mail box – a box of installed colour, shape and sizes, intended to collect simple letters and simple postcards;

35) reception of a postal item – execution for further sending of a postal item, received from the sender by mail operator, as well as through the seizure from mailboxes;

36) an industrial facility – an industrial unit of postal network, intended and equipped for providing services by mail operator;

37) distribution of periodical printed publications by subscription - the interaction between the mail operator, mass media owner or its authorized person and the user on

reception of a subscription, collection, drafting, processing orders for periodic printed publications, aimed at delivery and (or) serving them to the user;

38) a registered postal item - a postal item, adopted with the issuance of a receipt to the sender and serving to the addressee on receipt;

39) means of postal services - technical means and technologies, used for the providing of postal services;

40) subjects of postal activities - mail operators and users;

41) tariff – the amount of remuneration of services for a mail operator, established in accordance with the legislation of the Republic of Kazakhstan;

42) an authorized body in the field of postal service (hereinafter - an authorized body) – a central executive body, carrying out a realization of state policy in the field of postal service, state control, coordination and regulation of activities of mail operators within the limits of its competence;

43) services of courier mail – services of postal services on transportation and serving of postal items, rendered by using a courier;

44) services of postal services – an activity of sending postal items and postal money transfers;

45) services of express mail – services of postal communication with burst mode, transportation, delivery and (or) serving of postal items;

46) facsimile services – communication services, consisted in the delivery over telephone lines using a special text device and illustrations, fulfilled in hard copy;

47) email services – communication services, allowing users to exchange messages or documents without using paper medium;

48) financial activity and financial services – activity and services, that the National mail operator carries out and provides in the financial market according to the procedure, established by the legislation of the Republic of Kazakhstan;

49) franking machine – a machine, intended for applying prints on written correspondence confirmed remuneration of postal services, the date of reception of written correspondence and other information;

Footnote. Article 1, as amended by the Laws of the Republic of Kazakhstan, dated 20.12.2004, No 13 (shall be enforced from 01.01.2005); dated 07.07.2006 No 178 (shall be enforced from the date of its first official publication); dated 13.02.2009 No 135 – IV (the order of enforcement, see Article 3); dated 30.06.2010, No 297 – IV (shall be enforced from 01.07.2010).

Article 2. Legislation of the Republic of Kazakhstan on post

1. Legislation of the Republic of Kazakhstan on the post shall be based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty ratified by the Republic of Kazakhstan, established other rules other than those contained in this Law, the rules of international treaty shall be applied.

Article 3. Basic principles of postal activity

A postal activity shall be carried out on the basis of:

- 1) process of Law;
- 2) availability of postal services;
- 3) observance the rights and interests of users;
- 4) freedom of movement of postal items on the whole territory of the Republic of Kazakhstan including the freedom of transit;
- 5) equality of rights of individual and legal entities in the field of postal services and use of results of these activities;
- 6) security of user rights to privacy of correspondence, mail and other messages with the limitations established by the laws of the Republic of Kazakhstan;
- 7) ensuring the reliability and stability of the postal network and controlling it;
- 8) the unity of the rules and requirements in the field of postal connection;
- 9) State support of development of national postal network and postal savings system;
- 10) State regulation of order placement money attracted the National mail operator in deposits postal savings system.

Article 4. The types of activities and services of mail operator

1. Mail operators may carry out the following activities and provide services:

- 1) postage services;
- 2) financial activity and financial services;
- 3) other services according to the legislation of the Republic of Kazakhstan;

2. Postage services shall be related to:

- 1) publicly available services of postal communication;
- 2) services on sending of registered postal items;
- 3) services of express and courier mail services;
- 4) postal money transfers;
- 5) distribution of printed publications by subscription and their realization;
- 6) realization of philatelic products;

7) other services of postal communications according to the legislation of the Republic of Kazakhstan;

3. Financial activity and financial services shall be related to:

1) broker, dealer and transfer – agent activity in accordance with the procedures, established by the National Bank of the Republic of Kazakhstan;

2) services on delivery pension payments and social securities;

3) carrying out of leasing activity;

4) factoring transactions;

5) forfeiting transactions;

6) deposit taking, opening and transaction of banking accounts of individual and legal entities;

7) cash payments;

8) money transfer operations;

9) encashment of banknotes, coins and values;

10) organization of swap operations with foreign currency;

11) payment settlement on behalf of legal entities for serving of public institutions on checks of territorial subdivisions of the authorized body for budget execution;

12) administration of loans in monetary form subject to conditions of payment, emergency and refundability in terms of getting cash for checks of territorial subdivisions of the authorized body for budget execution;

13) opening and transaction of correspondent accounts;

14) lottery conducting;

15) *(Is excluded)*;

16) issuing of charge cards;

17) emission of private security papers (except for activities);

18) borrowing: credit arrangements in monetary form subject to conditions of payment, emergency and refundability.

Footnote. Article 4, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13 (shall be enforced from 01.01.2005); dated 08.07.2005 No 69; dated 23.12.2005 No 107 (the order of enforcement See Article 2 of the Law No 107); dated 13.02.2009 No 135-IV (the order of enforcement see Article 3); dated 05.07.2012 No 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 No 106-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5. Mail operators

1. Mail operators shall accommodate with necessary material and technical basis and skilled staff, means of mechanization, automation and information, provide

information about rates, terms of sending of postal items within Kazakhstan and abroad , as well as other information for users.

2. Activity of mail operators on service delivery of postal communications shall be carried out on common standards and requirements in accordance with the rules of provision of postal services.

3. Mail operators are obliged to ensure the safety of postal items received from users and postal money transfers.

4. Mail operators provide information about postal items, postal money transfers, senders and addressees only to the senders and addressees or their legal representatives or attorneys under power of attorney. Provision of specified information to other individuals and legal entities shall be carried out only in cases, provided by legislative acts of the Republic of Kazakhstan.

5. Transit transport of a mail operator, providing publicly available services of postal communication, to cargo and luggage complexes, situated on automotive, railway territories, water stations and railroad stations and airports, for exchange of postal items shall be carried out on a high priority and without a payment.

Article 6. National mail operator

1. *(Is excluded, dated 7 July, 2006 No178 (shall be enforced from the date of its official publication)*.

2. A national mail operator shall:

1) introduce proposals on approval to the authorized body for the assignment of mail operators of postal codes to industrial facilities.

2) Organize the issuance of state emblems of postal payment according to the types and contents confirmed by authorized bodies as well carry out their realizations;

3) be accepted for payment international reply coupon;

4) Determine in concurrence with local executive bodies the number and location of mailboxes on the territory of the administrative-territorial unit;

5) Have a right provide their workers the uniform according to the procedure provided for by the authorized body;

6) without a license carry out certain types of banking operations provided for in paragraph 3 of Article 4 of this Law, except accepting deposits, opening and maintaining bank accounts of individuals that carried out on the basis of a license issued by the National Bank of Kazakhstan.

Activity of National mail operator for reception of deposits, opening and transaction bank accounts of individuals regulates by National Bank of the Republic of Kazakhstan including by establishing separate prudential standards and issuance of licenses.

3. The State provides the safety of household deposits, involved by National mail operator on term deposits by placing them in government securities and other liquid financial instruments.

4. Position of National mail operator confirmed by Government of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Laws Republic of Kazakhstan dated 10.07.2003 No 483 (shall be enforced from 01.01.2004); dated 23.12.2005 No 107 (the order of enforcement See Article 2 of the Law No 107); dated 05.07.2012 No 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. The rules of delivery services of postal connection

The rules of service delivery of postal connection shall contain:

- 1) Requirements on the organization of service users;
- 2) The order of using nominal objects of mail operators;
- 3) Execution standards of postal items;
- 4) The types of postal items and their technical characteristics;
- 5) The order of reception, processing, transportation and (or) transfer, delivery and (or) serving of postal items and (or) postal money transfers;
- 6) The order of reception, processing and serving of international postal items;
- 7) The order of reception, processing and checking postal items;
- 8) Period of custody of postal items;
- 9) The conditions of redispaching and returning of postal items;
- 10) The order of carrying of trading day;
- 11) The order of delays, examination and seizure of postal items;
- 12) Procedure for considering applications and complaints of users;
- 13) list of items and materials prohibited and limited for sending by postal network;
- 14) Other provisions, concerned with postal delivery of services not covered by this Law;

Article 8. Competence of State body in the field of postal linkages

1. The Government of the Republic of Kazakhstan:

1) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124 -V (shall be enforced upon expiry of ten calendar days after its first official publication)*;

2) concludes intergovernmental agreements concerned with carrying out postal activities according to the legislation of the Republic of Kazakhstan;

3) confirmed the list of items and materials prohibited for sending by postal network;

- 4) (*excluded*);
- 5) confirmed the rules of services delivery of postal services;
- 6) confirmed the list of items and materials limited for sending by postal network;
- 7) confirmed the order of application of postmark on postal items;
- 8) carry out other functions assigned to it by the Constitution and laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

2. An authorized body shall:

- 1) carry out state regulations of activities in the field of postal services on the territory of the Republic of Kazakhstan;
- 2) realize the state policy in the field of postal services;
- 3) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124 -V (shall be enforced upon expiry of ten calendar days after its first official publication)*;
- 4) *Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No 452 -IV (shall be enforced from 13.10.2011)*;
- 5) *Is excluded from 10 January, 2006 No 116 (the order of enforcement See Article 2 of the Law No 116)*;
- 6) *Is excluded from 10 January, 2006 No 116 (the order of enforcement See Article 2 of the Law No 116)*;
- 7) *Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461 -IV (shall be enforced from 30.01.2012)*;
- 8) confirm the types and contents of issuance of state emblems of postage by proposition of National mail operator;
- 9) formulate state collection of emblems of postage;
- 10) assign post codes of industrial facilities on the territory of the Republic of Kazakhstan by the proposition of the National mail operator;
- 11) design and confirmed normative legal acts in the field of postal linkages;
- 12) *Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011)*;
- 13) carry out control over compliance the legislation of the Republic of Kazakhstan for the service delivery of postal services;
- 14) *Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011)*;
- 15) (*Is excluded*);
- 16) confirm samples, the order of wearing, norms of securing uniforms (without epaulettes) employees of the National mail operator;
- 17) act as postal administrations of the Republic of Kazakhstan and within the authority defined by the Government of Republic of Kazakhstan, represent and defend

the interests of Kazakhstan in the field of postal services in the interaction with the postal administrations of other countries and international organizations;

18) define the order of issuing permits for the use of franking machines, as well the order their using;

19) *(Is excluded)*;

20) confirm in agreement with the authorized body in the scope of customs affairs at international postal exchange by the statements of National mail operator or postal operators;

21) carry out other authorities provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. Local executive bodies of the regions (city of republican status, capital), districts (cities of regional importance) shall:

1) provide assistance mail operators in placement in their territory of industrial facilities, as well as deal with questions of allocation of non-living premises for industrial facilities of mail operators;

2) assist the efficient functioning of postal services in the territory of the administrative-territorial unit;

3) determine the number and placement of mailboxes in conjunction with National mail operator on the territory of the administrative-territorial unit, assisted ensuring lodgers and organizations operating houses proper operation of mailboxes;

4) carry out, in the interests of local state administration, other authorities assigned to the local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Laws Republic of Kazakhstan dated 20.12.2004 No 13 (shall be enforced from 01.01.2005); dated 30.06.2010 No 297-IV (shall be enforced from 01.07.2010); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 15.07.2011 No 461-IV (shall be enforced from 30.01.2012); dated 03.07.2013 No 124-V(shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. Licensing of business activity of services delivery in the field of postal services

Footnote. Article 9 is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No 461-IV(shall be enforced from 30.01.2012).

Article 10. Tariffs for services of postal services

1. Tariffs for postal services establish according to the legislation of the Republic of Kazakhstan. Tariffs for publicly available services of postal services regulates by legislative acts of the Republic of Kazakhstan.

2. Compensation of expenses of mail operator concerned with franchise application to certain categories of users is established by legislative acts of the Republic of Kazakhstan carry out at the expense of state budget.

Article 11. Limitations in the service delivery of postal linkages

1. Prohibited for sending items and materials discovered in the postal items seized on the spot by mail operators according to the procedure for by the legislation of Republic of Kazakhstan.

2. Delay, inspection and seizure of postal items allowed according to the procedure provided for by the laws of the Republic of Kazakhstan.

Article 12. Registered postal items

1. Written correspondence and electronic mail messages printed at pleasure of users in hard copy can be sent as registered postal items.

2. Registered postal item received by mail operator with prepayment for rendering a services and issuing receipts.

Article 13. Postal items with stated value

1. Postal items contained securities, documents or valuable articles belong to registered postal items with stated value.

2. Users independently determine the amount of evaluation postal items with stated value and choose packaging in accordance with the rules of service delivery of mail operator.

3. Payment of postal items with stated value is previously carried out by sender with receiving receipt of mail operator.

Article 14. Announcement of receiving postal items

1. When sending registered postal item or postal item with stated value, the sender has the right to demand direction of announcement of receiving by the addressee of postal item.

2. Tariff of announcement of delivery by the addressee of postal item paid by the sender previously with receiving receipt of mail operator.

Article 15. Publicly available services of postal linkages

1. Publicly available services of postal services consist in services of mail operators as sending simple letters, post cards and parcels of users collected from mailboxes and (or) taken in operating windows.

2. In the absence of postal items of state emblems of postage or partial payment of the established tariff, the mail operator is entitled to return such a postal item to the sender. In particular cases, postal item can be delivered to the addressee with a proposal to carry out supplemental payment at the time of delivery and (or) handing.

Article 16. Return of postal item, alteration or correction of address

1. The Sender is entitled to apply to the mail operator with demanding the return of postal item, change and correction of address in instances when postal item is:

- 1) Not issued to the addressee;
- 2) not confiscated or destroyed for prohibited investments;
- 3) not seized under the legislation of the country of destination.

2. Return of postal item, alteration or correction of address carry out with additional payment by the sender.

Article 17. Security Division of Postal security

Mail operators according to the legislation of the Republic of Kazakhstan in the field of security division of postal security insure safety of postal items and postal money transfers, privacy of correspondence, postal and other messages entrusted to mail operator in connection with carrying out their postal activities produced terms (regime) for ensuring safety of users and workers as well as properties of mail operators .

Article 18. Liability of infringement of obligation of delivery of postal services

1. Mail operator is obliged to ensure the safety of postal item immediately upon of their reception from sender to when issuance to recipient.

2. Mail operator is responsible in the following cases:

- 1) Forfeiture, shortage of investment or damaging (waste) registered postal item;
- 2) Transgression of milestone dates postal item;

2-1. Users of postal services are guilty in sending by post prohibited and limited to sending items and materials, are responsible described Code of the Republic of Kazakhstan on administrative offenses if the consequences of such sending do not entail criminal responsibility.

3. For forfeiture, shortage of investment or damaging (waste) of postal item mail operator is responsible in the following proportions:

1) For forfeiture, shortage of investment or damaging (waste) with stated value – in the amount of stated value and paid tariff for sending;

2) For shortage of investment, forfeiture or damaging (waste) of part of investment of postal items with stated value in their sending with attachment of investment - in the amount of stated value deficient, forfeited or damaged (wasted) the parts of investment, pointed out by the sender in the attachment.

3) For shortage of investment, forfeiture or damaging (waste) of part of investment of postal items with stated value in their sending with attachment of investment - in the amount of part of stated value of postal item determined in proportion of the mass of deficient forfeited or damaged (wasted) the parts of investment to the mass forward investments (without mass of shell of postal item), regardless of their actual value;

4) For forfeiture of an other registered postal item - - in the amount of double sum of paid tariff;

5) For forfeiture of postal money transfers– in the amount of sum of postal money transfers and paid tariff for sending.

4. For transgression of milestone dates of sending of postal item and postal money transfers of users mail operator pays forfeit in the amount of three percent of paid tariff for each day of delay but not more than the amount of paid tariff for delivery of services.

For transgression of milestone dates of sending of postal item by air transport mail operator pays user differences of tariffs between the payment for sending by air and land transport.

5. Mail operator is released from responsibility for forfeiture, for shortage of investment or damaging (waste) registrable of postal item, transgression of milestone dates of sending of postal item if it is proved that the non-fulfillment or default in performance of obligations was impossible due to irresistible nature or special properties of investment of postal item.

6. Mail operator can be released from responsibility for non-fulfillment or default in performance of its obligations of delivery of postal services on the grounds described by the Civil Code of the Republic of Kazakhstan, this Law and international treaties of the Republic of Kazakhstan.

7. Users are responsible for lesion caused to mail operator arising:

1) In consequence of investment to postal item of subjects and materials due to their special properties prohibited or limited to sending by postal networks;

2) In the results of improper packaging of investment taken for sending by postal networks;

Footnote. Article 18 as amended by the Laws Republic of Kazakhstan dated 15.02.2012 No 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19. Liability of infringement of the legislation of the Republic of Kazakhstan on post.

Persons guilty of transgression the legislation of the Republic of Kazakhstan on post are responsible in according to the laws of the Republic of Kazakhstan.

T h e
of the Republic of Kazakhstan

P r e s i d e n t

© 2012. «Institute of legislation and legal information of the Republic of Kazakhstan» of the Ministry of
Justice of the Republic of Kazakhstan